



07-26-04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/735,283	12/12/2003	William A. Gardner	GAR1756.17A6

CONFIRMATION NO. 3236

8156  
 JOHN P. O'BANION  
 O'BANION & RITCHEY LLP  
 400 CAPITOL MALL SUITE 1550  
 SACRAMENTO, CA 95814

## FORMALITIES LETTER



\*OC000000012168356\*

Date Mailed: 03/23/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/27/2004 HDEMESS1 00000010 10735283

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	385.00 OP
02 FC:2201	43.00 OP
03 FC:2202	360.00 OP
04 FC:2051	65.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$403** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$853** for a Small Entity

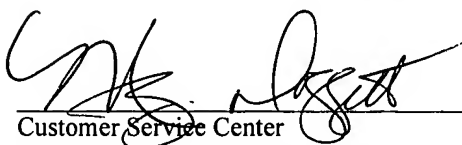
- \$385** Statutory basic filing fee.
- \$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$403**

- \$43 for 1 independent claims over 3.
- \$360 for 40 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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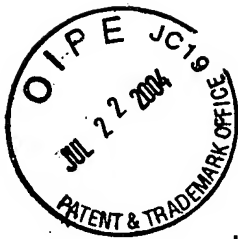
*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in dark ink, appearing to be "C. H. [unclear]", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WILLIAM A. GARDNER, et al.  
Serial No.: 10/735,283  
Filed: DECEMBER 12, 2003  
For: SYSTEMS, DEVICES AND METHODS FOR OPENING A BOTTLE SEALED WITH A STOPPER AND FOR SEALING A BOTTLE  
Group: 3727  
Examiner:  
Docket No.: GAR1756.17A6

**MAIL STOP MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

**SUBMISSION OF MISSING PARTS OF APPLICATION  
UNDER 37 C.F.R. § 1.53  
(SMALL ENTITY)**

Dear Sir:

In response to the Notice to File Missing Parts of Application (PTO-1533) mailed March 23, 2004, a copy of which is enclosed, please find the following documents which are incorporated by reference herein:

1. Check in the amount of \$853 (\$385 filing fees, 403 additional claims fees and \$65 surcharge for the fees due as a small entity).

The amount due for the filing fees and surcharge has been computed as follows:

CLAIMS AS FILED							
	Number filed			Number Extra		Rate	Basic Fee \$ 385
Total							
Claims 37 CFR 1.16(c)	60	- 20	=	40	X	\$ 9	= 360
Independent							
Claims (37 CFR 1.16(b))	4	- 3	=	01	X	\$43	= 43
Multiple dependent claim(s), if any (37 CFR 1.16(d))					+	\$145	=

Filing Fee Calculation	\$ 385
Surcharge	\$ 65
<b>TOTAL FILING FEE</b>	<b>\$ 853</b>

**Small Entity Statement**

  X   Applicant qualifies as a small entity under 37 CFR 1.9 and 1.27

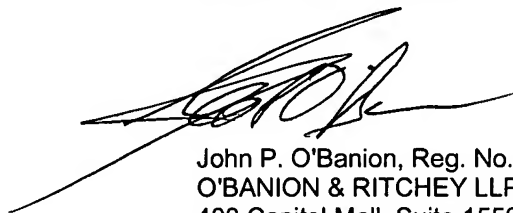
Amount already paid	LESS ( \$ _____ )
<b>TOTAL FILING FEES DUE</b>	<b>\$ <u>853</u></b>
<u>      </u> Assignment recording fee	\$ _____
<u>      </u> Petition fee	\$ <u>0</u>
<b>TOTAL FEES DUE</b>	<b>\$ <u>853</u></b>

Please charge any additional fees due to deposit account no. 07-1137.

Having now complied with all of the requirements of 37 C.F.R. 1.53, the Applicants respectfully request that this application be placed upon the files for examination.

Dated: 7/22/04

Respectfully submitted,



John P. O'Banion, Reg. No. 33,201  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010



**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the foregoing:

**Notice to File Missing Parts of Nonprovisional Application**

is being deposited with the United States Postal Service on 7/22/04 in  
an envelope as "Express Mail Post Office to Addressee" Mailing Label Number  
EV352302282US addressed to the: Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

JOHN P. O'BANION

(Type or print name of person mailing paper)

  
(Signature of person mailing paper)



**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the foregoing:

Submission of Missing Parts of Application Under 37 CFR 1.53

is being deposited with the United States Postal Service on 7/22/04 in  
an envelope as "Express Mail Post Office to Addressee" Mailing Label Number  
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JOHN P. O'BANION

(Type or print name of person mailing paper)

  
(Signature of person mailing paper)